

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **LSA Document #99-265**

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE THIRD COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from June 1 through June 21, 2001, on IDEM's draft rule language. IDEM received comments from the following parties:

Barnes and Thornburg on behalf of Essroc Cement Corporation	(ECC)
Eli Lilly and Company	(ELC)

Following is a summary of the comments received and IDEM's responses thereto.

*Comment:* We believe that the process weight rate rule applies, by its terms, to individual facilities, not to aggregations of facilities. The rule states that “[n]o person shall operate any process so as to produce... particulate matter to be emitted” in excess of the amounts shown in the rule. 326 IAC 6-3-2(c). The term “process” is defined as “[a]ny action, operation, or treatment and the equipment used in connection therewith....” 326 IAC 1-2-58. Thus a “process” is a singular action or operation - not a series of actions or operations. For instance, where several conveyors are positioned in line, but there is a separate emission point at each transfer point, the rule would apply to each individual conveyor and not the group as a single process. (ECC)

*Response:* Whether individual pieces of equipment are considered a single process or multiple processes is a determination the department makes for both compliance and permitting purposes. The department considers a variety of factors in making the determination. A single manufacturing process can certainly include more than one piece of equipment or operation. The department will look as a whole at what equipment is part of the manufacturing, conveying or other processing of raw or partly finished material. In the commentor's example, whether a group of conveyors is a single process or multiple processes may depend on whether there are single or multiple beginning and ending points, whether they perform the same operation, or whether they are reliant on each other to complete a primary function. The department may undertake an engineering analysis to make this determination.

In making this determination in the context of the process weight rate rule, IDEM is guided by language in 326 IAC 1-2-59, which states that “when the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation for this definition, the interpretation that results in the minimum value for allowable emissions shall apply.”

*Comment:* 326 IAC 6-3-1(b)(8) contains a list of the insignificant emission units that are not

exempt from the process weight rate rule. However, there are three categories identified in subsection (8) that do not appear to meet the general purpose of the rule which is to regulate particulate matter emissions from process emission units. Specifically, we are requesting responses on the decision to include subsections 326 IAC 6-1-3(b)(8)(A), (C), and (M).

- (A) applies to emission units that emit lead, carbon monoxide or sulfur dioxide. None of these are included in the definition of particulate matter. While lead may be a component of particulate matter emissions, it is not the regulated pollutant as defined by the applicability statement of this rule.
- (C) applies to emission units that emit hazardous air pollutants (HAPs). Again, although certain HAPs may be a component of particulate matter emissions, HAPs in and of themselves are not regulated by this rule.
- (M) states that farm operations are not exempt from this rule. They are not currently required to obtain operation or construction permits pursuant to 326 IAC 2-1.1-3(d)(31) and should not be included in this rule. (ELC)

*Response:* This rule establishes emission limitations for particulate emissions from process operations located anywhere in the state. With respect to 326 IAC 6-3-1(b)(8)(A), if the particulate emissions are lead or lead compounds then this rule applies because lead is in particulate form. If the emissions are carbon monoxide or sulfur dioxide, the department agrees that this rule should not apply since they are gases. IDEM will recommend to the board that sources emitting only SO<sub>2</sub> or CO are exempt from the rule. With respect to 326 IAC 6-3-1(b)(8)(C), the applicability of this rule is based on particulate hazardous air pollutants. There are particulate HAPs such as, but not limited to, chrome, lead, and mercury that are appropriate for regulation and to which this rule applies. With respect to 326 IAC 6-3-1(b)(8)(M), just because farm operations do not themselves require a construction or operation permit does not mean they should be excluded from the process weight rate rule. For example, there could be particulate emissions from grain handling operations on a farm that could impact air quality.